

REMARKS

Independent claims 1, 6 and 11 have been amended to more precisely define the convex portions of the tool handles' inner surfaces. This is intended to address the objection to the claims under 35 USC § 112. It is believed the amendments address the objections and better define the invention as requested by the Examiner.

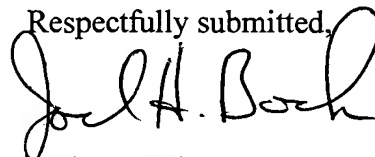
Applicant respectfully traverses the rejections under 35 USC § 103 based on combinations of Bond 5,421,224 and Ohno 3,675,359. Ohno is cited for its showing of convex distal ends of the handles. Ohno has no showing, discussion or disclosure whatsoever of indicia on the handles. All it can possibly add to Bond is convex distal ends. Bond, as we pointed out in the previous amendment, contains no suggestion of the need for protecting the indicia. Thus, there is no motivation or suggestion in Bond to alter the location of the indicia from the butt end or the planar surfaces as shown in Bond. Ohno, which does not even have indicia, similarly adds nothing to Bond to provide a teaching of protecting the indicia as called for in the amended claims.

The reasons that Bond and Ohno do not render the claims obvious are Ohno has nothing to do with indicia and relocating the indicia onto the inside surfaces of the Bond handle would render the indicia useless. This is because the Bond handles are curved toward one another. With that shape an indicia on the inside of the handles would not be visible from above; the curved handles would block the line of sight. Such an indicia would be useless because it would not be possible to see it. The curvature of the handles would obscure the indicia. Accordingly, the very purpose of the indicia, namely quick identification of the tool type while it rests in a tool pouch or on a tool belt, would be defeated in Bond if the indicia were placed on the inside surfaces of the handles.

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We submit that it cannot be obvious to modify the location of the indicia in Bond when doing so hides the indicia inside the concave handles and renders the indicia useless. Neither does the additional citation of Ohno cure this defect in Bond. There is no motivation or suggestion in the cited references to modify both the shape of the Bond handles (to provide convex ends as in Ohno) and the location of the Bond indicia (to put the indicia on the newly-created convex ends from Ohno). Combining the references in that manner can only be done through the improper use of applicant's disclosure as a guide to pick and choose the features needed from the prior art and combine them in a way to fashion an obviousness rejection.

It is submitted that the above amendments place the application in condition for allowance. Accordingly, the application is resubmitted for reconsideration. A favorable action is respectfully requested.

Respectfully submitted,

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